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OFFICE OF PETITIONS

In re Application of

Edward Eytchison

Application No. 10/763,869

Filed: January 22, 2004

Attorney Docket No. Sony-0500

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed October 7, 2008.


The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is granted.

This application became abandoned for failure to file a timely response to the "Notice under 37 CFR 1.251—Pending Application" mailed August 25, 2005, which set a shortened period for reply of three month from its mailing date. Extensions of time under 37 CFR 1.136(a) were available. The notice required applicant to file a duplicate copy of an Information Disclosure Statement and References that was first filed February 7, 2005. No response was received within the allowable period and the application became abandoned on November 25, 2005. A Notice of Abandonment was mailed April 18, 2008.

Petitioner states that a duplicate copy of an Information Disclosure Statement and References was filed on September 16, 2005. An Office date-stamped postcard whereby the USPTO acknowledged receiving the response on September 16, 2005, accompanied the petition¹. Based on the aforementioned, it appears that the application was improperly held abandoned as a response was received prior to expiration of the period for reply. The holding of abandonment is withdrawn, accordingly.

Further inquires regarding this decision may be directed to the undersigned at (571) 272-3222.

The application file is being forwarded Technology Center 2100, GAU 2154, for further processing


Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

¹ It is noted that a copy of the Information Disclosure Statement and References accompanied the petition and contained a certificate of mailing under 37 CFR 1.8 dated September 14, 2005.